

OR

OR, n. A term used in heraldry, and signifying gold; called "sol" by some heralds when it occurs in the arms of princes, and "topaz" or "carbuncle" when borne by peers. Engravers represent it by an indefinite number of small points. Wharton.

OR, conj. A disjunctive particle used to express an alternative or to give a choice of one among two or more things. It is also used to clarify what has already been said, and in such cases, means "in other words," "to-wit," or "that is to say." *Peck v. Board of Directors of Public Schools for Parish of Catahoula*, 137 La. 334, 68 So. 629, 630; *Travelers' Protective Ass'n v. Jones*, 75 Ind. App. 29, 127 N.E. 783, 785.

Or is frequently misused; and courts will construe it to mean "and" where it was so used. *State v. Circuit Court of Dodge County*, 176 Wis. 198, 186 N.W. 732, 734; *Northern Commercial Co. v. U. S.*, C.C.A.Alaska, 217 F. 33, 36; *Spillman v. Succession of Spillman*, 147 La. 47, 84 So. 489, 490; *Smiley v. Lenane*, 363 Ill. 66, 1 N.E.2d 213, 216. However, where the word "or" is preceded by the word "either," it is never given a conjunctive meaning. *Smith v. Farley*, 155 App.Div. 813, 140 N.Y.S. 990, 992.

ORA. A Saxon coin, valued at sixteen pence, and sometimes at twenty pence.

ORACULUM. In the civil law. The name of a kind of response or sentence given by the Roman emperors.

ORAL. Uttered by the mouth or in words; spoken, not written.

ORAL CONTRACT. One which is partly in writing and partly depends on spoken words, or none of which is in writing; one which, so far as it has been reduced to writing, is incomplete or expresses only a part of what is intended, but is completed by spoken words; or one which, originally written, has afterwards been changed orally. *Railway Passenger, etc., Ass'n v. Loomis*, 142 Ill. 560, 32 N.E. 424; *Moore v. Ohl*, 65 Ind.App. 691, 116 N.E. 9, 10.

ORAL EVIDENCE. Evidence given by word of mouth; the oral testimony of a witness. *Bates' Ann.St.Ohio* 1904, § 5262 (Gen.Code, § 11522); *Rev.St.Wyo.*1899, § 3704 (*Rev.St.*1931, § 89-1725). See, also, *Parol Evidence*.

ORAL PLEADING. Pleading by word of mouth, in the actual presence of the court. This was the ancient mode of pleading in England, and continued to the reign of Edward III. *Steph.Pl.* 23-26.

ORANDO PRO REGE ET REGNO. An ancient writ which issued, while there was no standing collect for a sitting parliament, to pray for the peace and good government of the realm.

ORANGEMEN. A party in Ireland who keep alive the views of William of Orange. Wharton.

ORATOR. The plaintiff in a cause or matter in chancery, when addressing or petitioning the court, used to style himself "orator," and, when a woman, "oratrix." But these terms have long gone into

disuse, and the customary phrases now are "plaintiff" or "petitioner."

In Roman law, the term denoted an advocate.

ORATRIX. A female petitioner; a female plaintiff in a bill in chancery was formerly so called.

ORBATION. Deprivation of one's parents or children, or privation in general. Little used.

ORCINUS LIBERTUS. Lat. In Roman law. A freedman who obtained his liberty by the direct operation of the will or testament of his deceased master was so called, being the freedman of the deceased, (*orcinus*), not of the *hæres*. Brown.

ORDAIN. To institute or establish; to make an ordinance; to enact a constitution or law. *State v. Dallas City*, 72 Or. 337, 143 P. 1127, 1131, *Ann. Cas.*1916B, 855. To confer on a person the holy orders of priest or deacon. *Kibbe v. Antram*, 4 Conn. 134.

ORDAINERS. An elected body of 21 members appointed by Parliament in 1310 to make ordinances for the good of the realm. The whole administration passed into their hands. *Stubbs, Early Plantagenets*.

ORDEAL. The most ancient species of trial, in Saxon and old English law, being peculiarly distinguished by the appellation of "*judicium Dei*," or "judgment of God," it being supposed that supernatural intervention would rescue an innocent person from the danger of physical harm to which he was exposed in this species of trial. The ordeal was of two sorts,—either fire ordeal or water ordeal; the former being confined to persons of higher rank, the latter to the common people. 4 *Bl.Comm.* 342.

Fire ordeal. The ordeal by fire or red-hot iron, which was performed either by taking up in the hand a piece of red-hot iron, of one, two, or three pounds weight, or by walking barefoot and blindfolded over nine red-hot plowshares, laid lengthwise at unequal distances. 4 *Bl.Comm.* 343; *Cowell*.

Water Ordeal

In Saxon and old English law. The ordeal or trial by water. The *hot-water* ordeal was performed by plunging the bare arm up to the elbow in boiling water, and escaping unhurt thereby. The *cold-water* ordeal was performed by casting the person suspected into a river or pond of cold water, when, if he floated therein, without any action of swimming it was deemed an evidence of his guilt; but, if he sunk, he was acquitted. 4 *Bl.Comm.* 343.

ORDEFFE, or ORDELFE. A liberty whereby a man claims the ore found in his own land; also, the ore lying under land. *Cowell*.

ORDELS. In old English law. The right of administering oaths and adjudging trials by ordeal within a precinct or liberty. *Cowell*.

ORDENAMIENTO. In Spanish law. An order emanating from the sovereign, and differing from